

Form 149

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

Charles J. Reeves
aka Charles J. Reeves Jr.
Debtor(s)

Bankruptcy Case No.: 15-23886-CMB
Issued Per Mar. 7, 2019 Proceeding
Chapter: 13
Docket No.: 61 - 51, 60
Concl. Conf.: at

ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 7, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at , in .* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Pittsburgh Water and Sewer Authority at Claim No. 7.
- H. Additional Terms: The secured claim of Chalet Properties, III, LLC at Claim No. 2 shall govern, and then following all allowed post-petition payment change notices filed of record. The claim of AmeriCredit Financial Services at Claim No. 3, to receive no further payments based on its removal from the Plan. All prior payment ratified. Attorney fees are to be paid at \$150 per month.

(2.) *IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:*

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) **IT IS FURTHER ORDERED THAT:**

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm
Judge
United States Bankruptcy Court

Dated: March 12, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Charles J. Reeves
 Debtor

Case No. 15-23886-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
Form ID: 149Page 1 of 2
Total Noticed: 25

Date Rcvd: Mar 12, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 14, 2019.

db +Charles J. Reeves, 1205 Marvista Street, Pittsburgh, PA 15212-2955
 cr +Ditech Financial LLC, 14841 Dallas Parkway Suite 300, Dallas, TX 75254-7883
 cr +Peoples Natural Gas Company, LLC, Attn: Dawn Lindner, 225 North Shore Drive, Pittsburgh, PA 15212-5860
 14135445 +AmeriCredit Financial Services, Inc. dba GM Financ, P O Box 183853, Arlington, TX 76096-3853
 14951112 +Chalet Properties III, LLC, c/o BSI Financial Services, 1425 Greenway Drive, Ste 400, Irving, TX 75038-2480
 14127113 +Dept Of Ed/Navient, Attn: Claims Dept, Po Box 9400, Wilkes Barr, PA 18773-9400
 14127115 +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
 14127116 +GM Financial, PO Box 181145, Arlington, TX 76096-1145
 14179061 +Pittsburgh Water & Sewer Authority, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Mar 13 2019 02:36:52 Capital One Auto Finance c/o AIS Portfolio Service, 4515 N. Santa Fe Ave., Dept APS, Oklahoma City, OK 73118-7901
 cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Mar 13 2019 02:36:52 Capital One Auto Finance c/o Ascension Capital Gro, P.O. Box 201347, Arlington, TX 76006-1347
 14127111 +E-mail/Text: bankruptcy@cavps.com Mar 13 2019 02:31:33 Calvary Portfolio Services, Attention: Bankruptcy Department, 500 Summit Lake Dr. Suite 400, Valhalla, NY 10595-2321
 14135624 +E-mail/PDF: EBN_AIS@AMERICANINFO SOURCE.COM Mar 13 2019 02:36:36 Capital One Auto Finance c/o AIS, Potfolio, LP f/k/a AIS Data Services, d/b/a Ascension Capital Group, 4515 N Santa Fe Ave Dept APS, Oklahoma City, OK 73118-7901
 14129159 +E-mail/Text: bankruptcy@cavps.com Mar 13 2019 02:31:33 Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 14127112 +E-mail/Text: bankruptcy_notifications@ccsusa.com Mar 13 2019 02:31:54 Credit Collections Svc, Po Box 773, Needham, MA 02494-0918
 14127114 +E-mail/Text: bankruptcy.bnc@ditech.com Mar 13 2019 02:30:47 Ditech, Attention: Bankruptcy Dept, Po Box 6154, Rapid City, SD 57709-6154
 14132577 +E-mail/Text: bankruptcy.bnc@ditech.com Mar 13 2019 02:30:47 Ditech Financial LLC, PO BOX 6154, Rapid City, SD 57709-6154, Telephone 57709-6154
 14186720 +E-mail/Text: kburkley@bernsteinlaw.com Mar 13 2019 02:31:49 Duquesne Light Company, c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,, Pittsburgh, PA 15219-1945
 14127117 +E-mail/Text: bkr@cardworks.com Mar 13 2019 02:30:31 Merrick Bank, Po Box 9201, Old Bethpage, NY 11804-9001
 14127118 +E-mail/Text: bankruptcydpt@mcmcg.com Mar 13 2019 02:31:13 Midland Funding, 2365 Northside Dri, San Diego, CA 92108-2709
 14181426 E-mail/PDF: pa_dc_ed@navient.com Mar 13 2019 02:37:17 Navient Solutions, Inc. Department of Education, Loan Services, P.O. Box 9635, Wilkes-Barre, PA 18773-9635
 14127119 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 13 2019 02:59:42 Portfolio Recovery, Attn: Bankruptcy, Po Box 41067, Norfolk, VA 23541
 14175478 +E-mail/Text: JCAP_BNC_Notices@jcap.com Mar 13 2019 02:31:28 Premier Bankcard, Llc, c o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999
 14151286 E-mail/Text: appebnmailbox@sprint.com Mar 13 2019 02:31:09 Sprint, Attn Bankruptcy Dept, PO Box 7949, Overland Park KS 66207-0949
 14127120 E-mail/Text: appebnmailbox@sprint.com Mar 13 2019 02:31:10 Sprint Nextel Corporation, Attn: Bankruptcy Department, PO Box 172408, Denver, CO 80217-9813

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Chalet Properties III, LLC
 cr Ditech Financial LLC
 cr Duquesne Light Company
 cr Pittsburgh Water & Sewer Authority
 cr* +AmeriCredit Financial Services, Inc. dba GM Financ, PO Box 183853, Arlington, TX 76096-3853
 cr* +DITECH FINANCIAL LLC, 14841 Dallas Parkway, Suite 300, Dallas, TX 75254-7883
 14137773* +AmeriCredit Financial Services, Inc. dba GM Financ, P O Box 183853, Arlington, TX 76096-3853

TOTALS: 4, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 25

Date Rcvd: Mar 12, 2019

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 14, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 12, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Ditech Financial LLC bkgroup@kmllawgroup.com
Jeffrey R. Hunt on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com,
cnoroski@grblaw.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com
Ronda J. Winnecour cmeccf@chapter13trusteewdpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company, LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com
Shawn N. Wright on behalf of Debtor Charles J. Reeves shawn@shawnwrightlaw.com,
wrightshawn@hotmail.com;wrightshawn49@gmail.com;wrightshawncf@gmail.com;audrey@shawnwrightlaw.co
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TOTAL: 7